

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KAMIL T. BROWN,	:	
Plaintiff	:	
	:	No. 1:21-cv-02085
v.	:	
	:	(Judge Rambo)
MS. HALDEMAN, et al.,	:	
Defendants	:	

ORDER

AND NOW, on this 23rd day of August 2023, upon consideration of Defendants' motion to partially dismiss the second amended complaint filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Doc. No. 33), and pro se Plaintiff Kamil T. Brown ("Plaintiff")'s motion seeking the appointment of counsel (Doc. No. 35), and in accordance with the Court's accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to partially dismiss the second amended complaint (Doc. No. 33) is **GRANTED in part** and **DENIED in part** as follows:
 - a. Defendants' motion is **GRANTED** as to their arguments concerning Plaintiff's Section 1983 Eighth and Fourteenth Amendment claims against Defendants Nurse Vogt and Sergeant Vogt, and these claims are **DISMISSED WITH PREJUDICE**;
 - b. Defendants' motion is **DENIED** as to their arguments concerning Defendants Haldeman and Vance;
2. This action shall **PROCEED** on Plaintiff's second amended complaint, and specifically, on (1) Plaintiff's Section 1983 First Amendment retaliation claim against Defendants Vogt and Sergeant Vogt; (2) Plaintiff's Section 1983 Eighth Amendment deliberate indifference

claims against Defendants Haldeman, Pasquale, Vance, Rook, and Presly; and (3) Plaintiff's Section 1985 conspiracy claims against Defendants;

3. The parties shall complete discovery by February 23, 2024;
4. The parties shall file any dispositive motions on or before April 23, 2024;
5. Plaintiff's motion seeking the appointment of counsel (Doc. No. 35) is **DENIED WITHOUT PREJUDICE**. As stated in the Court's accompanying Memorandum, in the event that future proceedings would otherwise demonstrate the need for counsel, then the Court may reconsider this request either sua sponte or upon a motion properly filed by Plaintiff; and
6. Plaintiff is directed to **FILE** additional information concerning Defendant Presly on or before October 23, 2023, including an accurate mailing address. If Plaintiff is unable to provide such information, Defendant Presly may be dismissed from this action.¹

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

¹ Although the waiver of service forms were mailed to all of the named Defendants, Defendant Presly has not returned his waiver and counsel has not entered an appearance on his behalf. Thus, it appears that service has not been effectuated on Defendant Presly. As a result, the Court will provide Plaintiff with additional time to submit any information that he may have concerning Defendant Presly so that service can be effectuated.